

Appendices to the Independent Monitor’s Spring 2019 Report
United States v. The City of Ferguson
Case No. 4:16-cv-180

APPENDIX A

A Summary of the City’s Compliance with the Year Three Workplan During the Reporting Period

The following chart reflects the status of the City’s compliance with the Year Three Workplan during the reporting period. Specifically, it assesses whether Year Three stated goals were complete, incomplete, in progress, or in need of prioritization as of March 31, 2019, the last day of the reporting period. For tasks required to be completed by March 31, 2019, “**complete**” indicates that the City has achieved the relevant milestone, while “**incomplete**” signifies that the City did not meet the stated completion date and must work to do so as soon as possible. The City was not obligated to meet deadlines with stated completion dates after March 31, 2019. However, where the City has already commenced work on tasks that must be completed during the next reporting period, the Monitoring Team notes that the relevant task is “**in progress**.” On the other hand, where it appears that the City made little or no progress on a specific task, and that the lack of progress may thwart the City’s ultimate ability to meet the stated deadline during the next reporting period, the Monitoring Team highlights this as an area “**to prioritize**.” The Monitoring Team recommends that the City make a significant, concerted effort to address “incomplete” and “**to prioritize**” tasks during the next reporting period. Information about whether the City met the deadlines for tasks with stated completion dates between April 1, 2019 and September 30, 2019 will be contained in the Monitor’s Fall 2019 Status Report.

Appendices to the Independent Monitor's Spring 2019 Report
United States v. The City of Ferguson
Case No. 4:16-cv-180

CD ¶	YEAR THREE: August 2018 - July 2019	Phase I	Phase II	Phase III	Spring 2019 Status Update
COMMUNITY POLICING & ENGAGEMENT					
19	City to host and participate in group structured dialogues, arranged and led by a qualified neutral facilitator, between police officers and community members and groups, with an emphasis on community members and groups who previously have not had strong or positive relationships with FPD or the City.	City to select Neutral Facilitator. Completion date: 12/31/2018	Develop plan for structured dialogues and submit to MT (Stewart & Parish). Completion date: 01/31/2019	Begin first series of structured dialogues. Completion date: 04/31/2019	Phase I: Complete Phase II: Incomplete Phase III: To Prioritize
20	City and FPD to develop a community-engagement plan in consultation with the Neighborhood Policing Steering Committee ("NPSC"), the Civilian Review Board ("CRB"), individuals and groups within Ferguson, and community stakeholders who can provide unique perspectives and assistance, such as local colleges and universities.	Designate Community Outreach Coordinator. Completion date: 12/31/2018	Develop Community Engagement Plan (and Crime Prevention Plan if needed) and submit to MT (Stewart & Parish). Completion date: 04/30/2019	Public Comment Period for Community Engagement Plan and roll call/training briefing. Completion date: 07/31/2019	Phase I: Complete Phase II: In Progress Phase III: To Prioritize
23	City, in consultation with FPD and the NPSC, to develop and implement policies to receive, consider, respond to, and act upon NPSC recommendations in a fully transparent and timely manner. The City will designate a City employee to provide administrative support necessary for the NPSC to perform its advisory function.	Develop Policy for Responding to NPSC Recommendations and submit to MT (Stewart & Parish). Completion date: 04/30/2019	Public Comment Period for NPSC Recommendations Policy and roll call training/briefing. Completion date: 07/31/2019		Phase I: In Progress Phase II: In Progress

Appendices to the Independent Monitor's Spring 2019 Report
United States v. The City of Ferguson
Case No. 4:16-cv-180

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25	The City to assist with the establishment of a Neighborhood Association in each of Ferguson's apartment complexes.	Establish Neighborhood Associations in Apartment Complexes. Completion date: 04/30/2019			Phase I: To Prioritize
26	City to develop an FPD crime-prevention plan and community-policing plan to ensure that policing is oriented around community priorities and partnerships and based on problem-solving principles.	Finalize CP policy and submit to MT (Stewart). COMPLETE	Public Comment Period for Community Policing Policy and roll call training/briefing. Completion date: 01/31/2019	Incorporate into In-Service Training Plan. Completion date: 04/30/2019 (and annually thereafter)	Phase I: Complete Phase II: Incomplete Phase III: To Prioritize
27	FPD to develop and implement Ferguson's "Neighborhood Policing Plan: A Police Community Partnership."	Develop Neighborhood Policing Plan and submit to MT Stewart & Parish. Completion date: 04/30/2019	Public Comment Period for Neighborhood Policing Plan and roll call training/briefing. Completion date: 07/31/2019		Phase I: In Progress Phase II: To Prioritize
28	FPD to develop strategies for working with community to address crime trends, policing complaints, neighborhood quality of life and working with community.	Develop schedule of monthly command staff CP/Crime analysis meetings and submit to MT (Stewart & Parish). Completion date: 03/31/2019			Phase I: Incomplete

Appendices to the Independent Monitor's Spring 2019 Report
United States v. The City of Ferguson
Case No. 4:16-cv-180

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29-30; 256- 258	The City will develop and implement a staffing plan that enables close and effective supervision and will revise its current shift sequences and deployment to better support a community-oriented approach to policing and will post officer patrol area assignments on FPD website.	Develop Shift Schedule/Deployment Plan and submit to MT (Stewart & Tidwell). Completion date: 03/31/2019			Phase I: Incomplete
33, 34	City to affiliate with the Community Mediation Services of St. Louis and to develop a plan for providing neighborhood mediations that promote lasting resolutions of appropriately selected disputes among community members, while reducing the need for involvement in the criminal justice system. The City will also affiliate with the Community Mediation Services of St. Louis to provide a community-centered mediation program to act as an alternative to the misconduct investigation process for certain civilian allegations of officer misconduct.	City, DOJ, and MT (Parish) to begin planning meetings. Completion date: 03/01/2019	Finalize Neighborhood Mediation Plan. Completion date: 07/31/2019		Phase I: Incomplete Phase II: In Progress
REFORM OF THE FERGUSON MUNICIPAL CODE					
40	City to develop and implement plan for comprehensive reassessment and revision of remaining Code provisions to ensure they are consistent with U.S. Constitution and other laws and provide clear and	Finalize plan for Reassessment and Revision of Municipal Code and submit to MT			Phase I: In Progress

Appendices to the Independent Monitor's Spring 2019 Report
United States v. The City of Ferguson
Case No. 4:16-cv-180

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	appropriate guidance to public and law enforcement officers.	(Aghedo & Tidwell). Completion date: 06/30/2019			
POLICIES & TRAINING					
45	City to review policies and procedures within one year of implementation to ensure they provide effective direction to FPD personnel and remain consistent with Agreement.	City to review policies implemented in Year One and Two and identify deficiencies. Completion date: 06/30/2019			Phase I: In Progress
46	The City agrees to maintain a complete, up-to-date manual of all FPD policies and procedures that is organized and maintained in a manner that makes it easily accessible and clear to officers, employees, and others. Officers and employees will have access to the manual in hard copy form, and in a readily usable electronic format (e.g., through an FPD intranet system accessible within the mobile data computers of FPD officers). Revisions and updates to FPD policies and procedures will be incorporated into the manual.	City to complete renumbering of Policies (ongoing).			Phase I: In Progress
49-51	FPD to establish a Training Committee, develop schedule for delivering all	Establish Training Committee and submit	Develop Training Schedule and submit to	Submit training plan to MT (Stewart &	Phase I: Complete Phase II: Incomplete

Appendices to the Independent Monitor's Spring 2019 Report
United States v. The City of Ferguson
Case No. 4:16-cv-180

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	training required in Agreement, and develop a written Training Plan for supplementing FDP recruits' academy training; enhancing FPD's field training, and implement comprehensive in-service training.	names to MT (Tidwell). Completion date: 12/31/2018	MT (Stewart & Tidwell). Completion date: 02/28/2019	Tidwell). Completion date: 05/31/2019	Phase III: To Prioritize
BIAS-FREE POLICE AND COURT PRACTICES					
65-71	The City to provide clear policy, training, and supervisory direction on prohibited conduct, including selective enforcement activities or decisions, non-enforcement of the law, and the selection or rejection of particular tactics and strategies based upon stereotypes or bias. The City's policies shall take into account influences of implicit bias, stereotype threat, and gender bias on officer enforcement decisions, use of force, and other police and court activity.	Parties to conduct public forums and initiate development of policies on Bias-Free Police & Court Practices Completion date: Spring 2019	City to provide Monitoring Team with draft policy (Norwood). Completion date: 07/31/2019		Phase I: In Progress Phase II: In Progress
67	FPD police and court employees will provide timely and meaningful access to police and court services to all. City will develop and implement policies and training to ensure timely and meaningful police services to LEP individuals.	Parties to conduct public forums and initiate development of policies that address access for LEP individuals. Completion date: Spring 2019	Develop policies to address access for LEP individuals and submit to MT (Norwood). Completion date: 07/31/2019		Phase I: To Prioritize Phase II: To Prioritize

Appendices to the Independent Monitor's Spring 2019 Report
United States v. The City of Ferguson
Case No. 4:16-cv-180

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VOLUNTARY CONTACTS, STOPS, SEARCHES, CITATIONS, AND ARRESTS					
75	<p>The City agrees to ensure that all FPD voluntary encounters, investigatory stops and detentions, searches, citations, and arrests are conducted in accordance with the rights, privileges, and immunities secured or protected by the Constitution and the laws of the United States. FPD will ensure that these police activities are part of an effective overall crime prevention strategy; are consistent with community priorities for enforcement; build trust between FPD and the community; and are adequately documented for tracking and supervision purposes.</p>	<p>City to review its entire body of existing policies to ensure requirements of Consent Decree in this area are met and, where necessary, rescind and revise.</p> <p>Ongoing through Year Four</p>			Phase I: In Progress
76-82	<p>The City to provide clear direction with respect to policies related to voluntary contacts and investigatory detentions in accordance with the requirements of the Consent Decree.</p>	<p>Develop Investigatory Detentions policy and revised Field Interview Report and submit to MT (Stewart & Tidwell).</p> <p>Completion date: 01/31/2019</p>	<p>Public Comment Period for Investigatory Detentions policy and Field Interview Report and roll call training/briefing.</p> <p>Completion date: Spring 2019</p>		Phase I: Complete Phase II: In Progress
83-89	<p>The City to provide clear direction with respect to policies related to searches with or without a warrant in accordance</p>	<p>Develop umbrella Search policy and submit to MT (Stewart</p>	<p>Public Comment Period for umbrella Search policy and roll call</p>		Phase I: Complete Phase II: In Progress

Appendices to the Independent Monitor's Spring 2019 Report
United States v. The City of Ferguson
Case No. 4:16-cv-180

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	with the requirements of the Consent Decree.	& Tidwell). Completion date: 01/31/2019	training/briefing. Completion date: Spring 2019		
90-95	The City to provide clear direction with respect to policies related to issuing citations and conducting warrantless arrests in accordance with the requirements of the Consent Decree.	Develop Power of Arrest and Detentions policy and submit to MT (Stewart & Tidwell). Completion date: 01/31/2019	Public Comment Period for Power of Arrest and Detentions policy and roll call training/briefing. Completion date: Spring 2019		Phase I: Complete Phase II: In Progress
FIRST AMENDMENT PROTECTED ACTIVITY					
110	Parties acknowledge that First Amendment protected activities serve important societal functions, including promoting transparency in government affairs, ensuring accountability of public officials, and encouraging community feedback -- whether critical or laudatory -- that ultimately reduce tension and foster a sense of openness and trust between law enforcement and the public.	Parties to conduct public forums and initiate development of policies on FPD officer response to First Amendment Protected Activity. Completion date: Spring 2019	Develop draft policies on FPD officer response to First Amendment Protected Activity and submit to MT (Parish & Stewart). Completion date: Summer 2019		Phase I: In Progress Phase II: In Progress
FORCE					
128-170	The City will ensure that its use-of-force policies, training, supervision, and accountability systems are designed to ensure that FPD officers use force in	Draft umbrella Use of Force and Weapon-Specific policies and submit for Public	Conduct roll call training/briefing on Use of Force Policies.	Incorporate into In-Service & Supervisor Training Programs.	Phase I: Complete Phase II: In Progress Phase III: To Prioritize

Appendices to the Independent Monitor's Spring 2019 Report
United States v. The City of Ferguson
Case No. 4:16-cv-180

CD ¶	YEAR THREE: August 2018 - July 2019	Phase I	Phase II	Phase III	Spring 2019 Status Update
	accordance with the Constitution and other laws, FPD policy, and the Consent Decree. City to develop policies pertaining to general use-of-force and weapon-specific requirements.	Comment. COMPLETE	Completion date: 1/31/2019	Completion date: 04/31/2019 (and annually thereafter)	
172-194	FPD to develop and implement comprehensive process for reporting and investigating all FPD officer uses of force.	Draft Use of Force Reporting & Investigations Policy and revised Use of Force report and submit for Public Comment. COMPLETE	Conduct roll call training/briefing on Use of Force Reporting & Investigations Policy. Completion date: 1/31/2019	Incorporate into In-Service & Supervisor Training Programs. Completion date: 04/30/2019 (and annually thereafter).	Phase I: Complete Phase II: In Progress Phase III: To Prioritize
CRISIS INTERVENTION					
197-206	FPD will implement a Crisis Intervention Team (CIT) first-responder model of police-based crisis intervention with community, health care, and advocacy partnerships.	Designate a Crisis Intervention Coordinator. COMPLETE	Initiate development of Crisis Intervention program and host policy forums. Completion date: Summer 2019		Phase I: Complete Phase II: To Prioritize
SCHOOL RESOURCE OFFICER PROGRAM					
210	Monitor to develop an SRO program and operations manual that clearly defines the role of each SRO and promotes the role of SRO as one of educator, counselor, mentor, and law enforcement problem-	Parties to conduct public forums and initiate development of SRO Operations Manual.	Submit draft SRO Manual to MT (Tidwell). Completion date: Summer 2019		Phase I: In Progress Phase II: In Progress

Appendices to the Independent Monitor's Spring 2019 Report
United States v. The City of Ferguson
Case No. 4:16-cv-180

CD ¶	YEAR THREE: August 2018 - July 2019	Phase I	Phase II	Phase III	Spring 2019 Status Update
	solver, consistent with best practices.	Completion date: Spring 2019			
211	FPD will review and make a good faith effort to amend its Memorandum of Understanding (MOU) with FFSD, to delineate authority and specify procedures for law enforcement interactions with students while on school grounds, consistent with this Agreement. Before providing SRO services at any school in which FPD is not currently engaged, the City will enter into an MOU with the appropriate school district consistent with the Consent Decree. Further, any subsequent MOU with FFSD shall be consistent with the Consent Decree.	Finalize and implement MOU. COMPLETE			Phase I: Complete
BODY-WORN AND IN-CAR CAMERAS					
228-250	In an effort to bring continued transparency regarding police activities; improve the effectiveness and reliability of use-of-force and misconduct investigations; enhance supervision of FPD stops, searches, and arrests; and provide material for officer training, the City will equip FPD officers with body-worn and in-car cameras, and will ensure that such devices are used consistent with	Finalize BWC and ICC policies including footage sharing provisions and submit to MT (Goodrich). Completion date: 12/15/2018	Public Comment Period for BWC and ICC policies and roll call training/briefing. Completion date: 2/28/2019		Phase I: Complete Phase II: In Progress

Appendices to the Independent Monitor's Spring 2019 Report
United States v. The City of Ferguson
Case No. 4:16-cv-180

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	law and policy. All aspects of FPD's use of body-worn and in-car cameras will be designed and implemented to promote transparency, provide learning opportunities to officers, and increase officer safety, while ensuring officer accountability and respect for individual privacy rights.				
SUPERVISION					
75, 99- 108	The City agrees to ensure that all FPD voluntary encounters, investigatory stops and detentions, searches, citations, and arrests are conducted in accordance with the rights, privileges, and immunities secured or protected by the Constitution and the laws of the United States. FPD will ensure that these police activities are part of an effective overall crime prevention strategy; are consistent with community priorities for enforcement; build trust between FPD and the community; and are adequately documented for tracking and supervision purposes.	City to review its entire body of existing 4th Amendment-related policies to ensure requirements of Consent Decree in this area are met with regards to the role of supervisors and, where necessary, rescind and revise. Ongoing through Year Four			Phase I: In Progress
256- 258	The City will develop and implement a staffing plan that enables close and effective supervision and will revise its current shift sequences and deployment	Develop Shift Schedule/Deployment Plan and submit to MT (Stewart & Tidwell).			Phase I: Incomplete

Appendices to the Independent Monitor's Spring 2019 Report
United States v. The City of Ferguson
Case No. 4:16-cv-180

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	to better support a community-oriented approach to policing and will post officer patrol area assignments on FPD website.	Completion date: 03/31/2019			
317	City to develop and implement supervisory training course for all new and current supervisors to carry out all supervisory duties established in policy and this Agreement, and provide specific instruction on methods for ensuring supervisory duties are fulfilled.	Develop Curriculum for Supervisor Training Program and submit to MT (Stewart). Completion date: 04/30/2019	Begin Supervisor Training Program. Completion date: 06/30/2019		Phase I: To Prioritize Phase II: To Prioritize
RECRUITMENT					
281-285	City will develop, with Neighborhood Policing Steering Committee, a written Recruitment Plan that includes clear goals, objectives, and action steps for attracting and retaining a high-quality and diverse work force.	Finalize Recruitment Plan including salary study and submit to MT (Parish & Tidwell). Completion date: 12/31/2018	Roll call training/briefing. Completion date: 2/28/2019		Phase I: Incomplete Phase II: Incomplete
MUNICIPAL COURT REFORM¹					

¹ Detailed information regarding the status of reform of the Ferguson Municipal Court is contained in Appendix B.

Appendices to the Independent Monitor's Spring 2019 Report
United States v. The City of Ferguson
Case No. 4:16-cv-180

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ACCOUNTABILITY					
361-368	<p>Holding public servants accountable when they violate law or policy is essential to ensuring legitimacy of governance and community confidence. Well-functioning accountability systems also promote employee safety and morale. The City will review applicable policies and personnel regulations to ensure incorporation of these accountability principles. Any violation of the personnel rules and regulations, including of provisions relating to the principles of accountability, shall be subject to appropriate discipline, up to and including termination. These policies shall include a Duty to Report Misconduct; Duty of Candor; and Internal Investigations.</p>	<p>Finalize Disciplinary Matrix and Citizen Complaint Form and submit to MT (Tidwell).</p> <p>Completion date: 12/31/2018</p>	<p>Public Comment Period for Disciplinary Matrix and Citizen Complaint form and roll call training/briefing.</p> <p>Completion date: 04/30/2019</p>	<p>Incorporate into In-Service and Supervisor Training Programs.</p> <p>Completion date: 06/30/2019 (and annually thereafter)</p>	<p>Phase I: Complete Phase II: In Progress Phase III: In Progress</p>
399 - 400	<p>City to provide and provide appropriate resources for community-centered mediation program to act as an alternative to misconduct investigation process.</p>	<p>Develop Community-Centered Mediation Program and submit to MT (Tidwell).</p> <p>Completion date: 12/31/2018</p>	<p>Public Comment Period for Mediation Program policy and roll call training/briefing.</p> <p>Completion date: 04/30/2019</p>		<p>Phase I: Complete Phase II: In Progress</p>

Appendices to the Independent Monitor's Spring 2019 Report
United States v. The City of Ferguson
Case No. 4:16-cv-180

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CIVILIAN OVERSIGHT					
405(d)	CRB will develop and recommend a program to promote awareness throughout the broader Ferguson community about the options available for filing misconduct complaints, and about the misconduct complaint process.	Within 60 days of implementation of Complaint Mediation Program City will develop awareness program and submit to MT. Completion date: Winter 2019			Phase I: In Progress
DATA COLLECTION					
412	To ensure that collected data is complete, accurate, and reliable, the City agrees to work with the Monitor to develop and implement a cost-feasible data collection plan and related protocols, to be approved by the Monitor and DOJ.	Identify a data collection coordinator. Completion data: 12/31/2018	In consultation with DOJ, City will complete and provide to the MT (Goodrich) a worksheet identifying, for the provisions pertaining to Use of Force, Stop, Search, Arrest, and Citations, and Bias-Free Policing, the data it currently collects, that which the CD requires, and where and how such data is tracked or will be tracked in the future.	In consultation with DOJ, City will complete and provide to the MT (Goodrich) a worksheet identifying for all remaining CD provisions, the data it currently collects, that which the CD requires, and where and how such data is tracked or will be tracked in the future. Completion date:	Phase I: Incomplete Phase II: Incomplete Phase III: To Prioritize

Appendices to the Independent Monitor's Spring 2019 Report
United States v. The City of Ferguson
Case No. 4:16-cv-180

CD ¶	YEAR THREE: August 2018 - July 2019	Phase I	Phase II	Phase III	Spring 2019 Status Update
			Completion date: 03/30/2019	06/30/2019	
413	The City will make publicly available on request and on the City's website all FPD and municipal court policies and protocols, as well as all public reports described in the Consent Decree. Any exceptions will be limited to information that must remain confidential to protect public safety and approved by DOJ and the Monitor.	Ongoing as policies are implemented.	Ongoing as policies are implemented.	Ongoing as policies are implemented.	Phase I: In Progress

Appendices to the Independent Monitor's Spring 2019 Report

United States v. The City of Ferguson

Case No. 4:16-cv-180

APPENDIX B

Appendices to the Independent Monitor's Spring 2019 Report
United States v. The City of Ferguson
Case No. 4:16-cv-180

SUMMARY OF AUDIT FINDINGS & STATUS OF MUNICIPAL COURT REFORM		
Consent Decree	Audit Procedure	Status²
¶ 324: Ensure cap on revenue from municipal fines and fees	Document Review: City budget and financial records	Substantial Compliance
¶ 325: Remove municipal court from oversight of City Finance Director	Observation of Municipal Court Operations and review of city budget	Substantial Compliance
¶ 326: Implement Comprehensive Amnesty Program for cases without a disposition initiated before January 1, 2014, and repeal all or parts of Ferguson Municipal Code §13-60, §13-63, §13-70(2) and (3), and §44-50	City Ordinance Review; Database Review of pending and closed cases; Municipal Court Case File Review of pending and closed cases; Observation of Municipal Court Operations	¶ 326(a) – Partial Compliance ¶ 326(b) – Substantial Compliance ¶ 326(c) – Substantial Compliance ¶ 326(d) – Substantial Compliance
¶ 327: Implement Comprehensive Amnesty Program, eliminate charges, and cancel warrants for cases without a disposition initiated before January 1, 2014	Database Review of pending and closed cases; Municipal Court Case File Review of pending and closed cases; Observation of Municipal Court Operations	Partial Compliance
¶ 329: Increase transparency of court operations	Website Review and Alternate Means	Partial Compliance
¶ 330: Develop and implement plan for public education campaign about municipal court	None for Audit Period	Not Assessed
¶ 331: Make information available regarding cost-free legal assistance	None for Audit Period	Not Assessed
¶ 333: Provide clear information regarding rights and responsibilities	Document Review of Citation and Supplemental Form; Website Review	Substantial Compliance
¶ 334: Monthly audits of citations to ensure proper completion	None for Audit Period	Not Assessed
¶ 335: Maintain current contact information for individuals with pending cases	Document Review of “Updated Contact Information” form; Observation of Municipal Court Operations; Municipal Court Case	Substantial Compliance

² For an explanation of each compliance grade, please see Section II(F)(1) of the Monitor's Spring 2019 Status Report.

Appendices to the Independent Monitor's Spring 2019 Report

United States v. The City of Ferguson

Case No. 4:16-cv-180

	File Review	
¶ 336: Revise online payment system to allow late payments and payment plan installations	Website Review	Substantial Compliance
¶ 337: Online access to charging details and status for defendants	None for Audit Period	Not Assessed
¶ 338: Ensure privacy protections for online court systems	Document Review of Vendor Policy; Website Review	Partial Compliance
¶ 339: Eliminate unnecessary barriers to resolving cases	Document Review of draft policy; City Ordinance Review; Website Review; Observation of Municipal Court Operations	Partial Compliance
¶ 340: Provide appropriate ability-to-pay determinations	Website Review; Observation of Municipal Court Operations	Substantial Compliance
¶ 341: Maintain public list of preset fines, accounting for punitive nature, local income levels, and regional averages	Document Review of current fines and fees schedule; Website Review; Observation of Municipal Court Operations	Not Assessed
¶ 342: No additional fines and fees for Failure to Appear or violations of repealed code provisions §13-60, §13-63, §13-70(2), or §13-70(3).	City Ordinance Review; Database Review of pending and closed cases; Municipal Court Case File Review of pending and closed cases; Observation of Municipal Court Operations	Substantial Compliance
¶ 344: Implement community service as a sentence alternative	Observation of Municipal Court Operations	Substantial Compliance
¶ 345: Provide options for court-managed payment plans	Observation of Municipal Court Operations; Website Review	Substantial Compliance
¶ 346: Appropriate debt collection for failure to complete community service or payments in timely manner	None for Audit Period	Not Assessed
¶ 348: Develop and implement policy to ensure arrest warrants are issued only after exhausting measures to secure defendant's appearance	Website Review; Observation of Municipal Court Operations	Partial Compliance
¶ 349: Ensure no custody based on	None for Audit Period	Not Assessed

Appendices to the Independent Monitor's Spring 2019 Report

United States v. The City of Ferguson

Case No. 4:16-cv-180

ability to pay monetary bond		
¶ 350: Develop and implement plan eliminating use of fixed monetary bond schedule	Document Review of Court Order; Website Review	Not Assessed
¶ 351: Reporting failure to appear or pay fines for moving traffic violation to Missouri Department of Revenue only to extent required by law	None for Audit Period	Not Assessed
¶ 352: Provide compliance letters for suspended license based on Missouri Revised Statute §302.341.1 immediately following court appearance	None for Audit Period	Not assessed
¶ 353: Develop and implement trial procedures ensuring fair and impartial conduct of trial	Document Review of Draft Policy; Observation of Municipal Court Operations	Substantial Compliance
¶ 354: Ensure online court systems allow collection of aggregate data for court data collection and reporting requirements	None for Audit Period	Not Assessed
¶ 355: Ensure electronic records management system has appropriate controls to limit user access and ability to alter case records, and comports with applicable law	None for Audit Period	Not Assessed
¶ 356: Provide timely and accurate reports to Missouri State Courts Administrator (MSCA) and make MSCA reports and other court data accessible to public	Website Review	Substantial Compliance
¶ 357: Ensure municipal court operates independently of City Prosecutor	Observation of Municipal Court Operations	Partial Compliance
¶ 358: Ensure impartiality of municipal court judge	Ordinance Review; Observation of Municipal Court Operations	Substantial Compliance
¶ 359: Ensure appropriate accommodations for individuals with mental, intellectual, or developmental	None for Audit Period	Not Assessed

Appendices to the Independent Monitor's Spring 2019 Report

United States v. The City of Ferguson

Case No. 4:16-cv-180

disabilities		
¶ 360: Develop protocols for conducting cost-feasible, data-driven, and qualitative assessments of court practices	None for Audit Period	Not Assessed
¶ 413: All municipal court policies and protocols available on website	Website Review	Substantial Compliance